

FILED

NOV 16 2018

Clerk, U.S. Bankruptcy Court
Northern District of Miss.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

In re:

Natasha Michelle Boyland

Case No.: 18-13983-JDW

Debtor(s).

Chapter 7

MOTION OF Natasha Michelle Boyland TO VOID FORECLOSURE SALE and DISCHARGE ALL DEBTS LISTED

Debtor, Natasha Michelle Boyland, in proper person, hereby moves the court to void foreclosure sale held on or about September 6, 2018 and discharge all debts listed in credit matrix.

CONSTITUTIONAL DUE PROCESS

The foreclosure sale was done as a non-judicial sale¹. This non-judicial foreclosure failed to allow due process². This is a violation of the debtor's rights of "equal protection, life, liberty and property". Clearly the non-judicial sale is a violation of the debtor's rights.

The Constitution of the United States is the supreme law of the land under Article VI, thereby giving more authority over any other laws and/or statutes that may have been established in the STATE OF MISSISSIPPI. This also requires that the constitution and/or laws of any state that is "contrary" have no standing.

BANKRUPTCY CODES TO VOID TRANSFER OF PROPERTY

A. Under 11 USC § 544 (b)(1) "the trustee may avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by the creditor holding an unsecured claim that is allowable under section 502 of this title or that is not allowable only under section 502(e) of this title".

B. Under 11 USC § 547 (b) this court has the authority to void foreclosure because:

1. There is no right to non-judicial foreclosure, only a right to due process. Due process requires only an opportunity for a hearing whereas judicial foreclosure requires the hearing. *Goldburg v. Kelly*, 397 U.S. 254, 90 S. Ct. 1011, 25 L.Ed.2d.287 (1970); Cf. *United States v. Ford*, 551 F. Supp. 1011 (N.D. Miss. 1982).

2. An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.

1. The purpose of the foreclosure sale, according to the foreclosing party(s), was to collect an "antecedent debt".
2. The debtor was insolvent within 90 day before this bankruptcy filing.
3. The foreclosure sale took place on September 6, 2018 and this case for bankruptcy was filed on October 12, 2018.
4. The fair market value of the property is worth more than what the property was sold for at the foreclosure auction and the same would stand true if the property is sold by the trustee of this bankruptcy case.

C. Under 11 USC § 548 (B)(i)(ii)(I) because:

1. Sale "received less than a reasonably equivalent value in exchange for such transfer or obligation; and"
2. Debtor was "insolvent on the date that such transfer was made".

CONSTITUTIONAL FORM OF MONEY

It has been clearly stated that nothing more than "gold and silver coin" is to be "tender in payment of debts" and that no "bill of attainder" should be passed that would impair "the obligation of contracts or grant any title of nobility" in Article I Section 10 of the Constitution of the United States. It is a known fact that the Public Law of the 73rd Congress has created a National Emergency Banking Act. On March 9, 1933 House Resolution 1491, Chapter 1 under An Act in the Public Law of the 73rd Congress; page 1, has established a "relief to the existing national emergency in banking". In Chapter 1 of Title 1 under Section 3, page 2, of the Public Law of the 73rd Congress, it has been clearly stated that gold has been impounded.

Most of the creditor's listed on the creditor matrix at some point received for payment United States Dollars, what is now consider a lawful form of money. Debtor has never had access to gold and/or silver coin as required by the Constitution because it has been impounded. The creditor's have never requested payment in the legal form of tender as required by the Constitution because that form of payment is not possible. They have requested payment in United States Dollar which is contrary to the Constitutional form of money.

Furthermore, as a relief of the National Emergency Banking Act on June 5, 1933 the 73rd Congress, page 113, has established that obligations that require the obligee to make "payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy" by way of Public Resolution Number 10 in Chapter 48, page 112 to page 113. It further clarifies that "'obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States" this is to include "coin or currency of the United States, including Federal Reserve notes and circulation notes of Federal Reserve banks and national

banking associations". Since no payment can be made in gold nor United States currency all debts should be discharged.

CONCLUSION

Debtor is accordingly entitled to have foreclosure sale void entered herein for the reason that the sale was made to transfer property 90 days prior to the filing of Bankruptcy and meets the requirements under 11 USC § 544 (b)(1) , 11 USC § 547 (b) and 11 USC § 548 (B)(i)(ii)(I). Debtor request that all debts listed are discharged herein for the reason that all debts are to be discharge in accordance with the National Emergency Banking Act under Public Law of the 73rd Congress in Chapter 48 under Resolution Number 10. Debtor further request that payments made in the money of the United States be returned because it was against public policy and fraudulent for the creditors to accept such payments. Debtor also request that all liens against property be released by each creditor that has a lien on said property.

DATED this 13th day of November, 2018.

Respectfully submitted,


Signature, Debtor *Pro Se*

Natasha Michelle Boyland

4414 Wrenwood Drive

Horn Lake, MS 38637

901-406-8502

nmboyland@icloud.com

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I served Motion to Void Foreclosure and Discharge all Debt Listed via U. S. Mail to:

Barclays
P O Box 605147
City of Industry, CA 91716-0517

Bank of America
P O Box 851001
Dallas, TX 75285-1001

Bank of America
100 N. Tryon Street
Charlotte, NC 28255

Commerce Bank
P O Box 806000
Kansas City, MO 64180-6000

Deutsche Bank National Trust Company
1761 East Saint Andrew Place
Santa Ana, CA 92705

First Franklin, A Division of National City Bank of Indiana
c/o C T Corporation System(CO168406) [Registered Agent]
111 8th Ave 13th Floor
New York, NY 10011

First Franklin Corporation
c/o C T Corporation System(CO168406) [Registered Agent]
111 8th Ave 13th Floor
New York, NY 10011

Great Lakes
2401 International Lane
Madison, WI 53704

Memphis City Employees Credit Union
2608 Avery Avenue
Memphis, TN 38112-4821

Memphis Wealth Builders, LLC
Collin McClary
P O Box 558
Nesbit, MS 38651

Navient
P O Box 9500
Wilkes-Barre, PA 18773-9500

Nelnet
P O Box 2877
Omaha, NE 68103-2877

Select Portfolio Servicing, Inc.
3217 South Decker Lake Drive
Salt Lake City, UT 84419

Walmart
P O Box 530927
Atlanta, Ga 30353-0927

Jeffrey A. Levingston, Trustee
P O Box 1327
Cleveland, MS 38732

United States Courthouse
U S Trustee
501 East Court Street, Suite 6-430
Jackson, MS 39201


Natasha Michelle Boyland